

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

July 15, 2020

David J. Bradley, Clerk of Court

United States of America  
v.

DEMARCUS WALTON

Case No. **4:20mj1254**

Defendant(s)

TRUE COPY I CERTIFY

ATTEST: July 15, 2020

DAVID J. BRADLEY, Clerk of Court

By: Kathy Murphy  
Deputy Clerk

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2, 2020 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 922(g)(1)

Possession of a Firearm by a Felon

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.Matthew McDavid

Complainant's signature

ATF Special Agent Matthew McDavid

Printed name and title

Sworn to before me via telephone.

Date: 07/15/2020City and state: Houston, TexasPeter Bray

Judge's signature

PETER BRAY, UNITED STATES MAGISTRATE

Printed name and title

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Matthew B. McDavid, Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, being duly sworn, do declare and state:

1. I am an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18, United States Code: an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.
2. I am a Special Agent (SA) with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have so been employed since November of 2015. I am presently assigned to the Houston Group I, Houston, Texas. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code Section 2510(7), and I am empowered by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516. In the late part of 2015, I attended the Department of Homeland Security's Criminal Investigator School and the ATF academy's New Professional Training, both located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, for a combined period of twenty-nine (29) weeks. I have received formal training in the provisions of the Federal Laws administered under Title 18 and Title 26 of the United States Code.
3. Prior to working for ATF I was a police officer for more than five (5) years with the Metropolitan Washington Airports Authority Police Department, located in the Washington, D.C. metropolitan area. I attended the Northern Virginia Criminal Justice Training Academy for twenty three (23) weeks. I received extensive formal on-the-job training in criminal enforcement.

4. As an ATF Special Agent, I have participated in investigations of illicit firearms and narcotics trafficking organizations. During these investigations, I have participated in various types of investigative techniques, including electronic surveillance; undercover agents and informants; and controlled purchases of firearms and narcotics from suspects. I have participated in physical surveillance operations and have participated in the execution of state and federal arrest warrants and search warrants.
5. As an ATF Special Agent, I have conducted and participated in both state and federal investigations involving the trafficking of firearms and distribution of controlled substances. I have investigated and assisted in the prosecution of criminal street gangs engaged in illegal narcotics and firearms trafficking. I have been involved in various types of electronic surveillance, and in debriefing defendants, witnesses and informants as well as others who have knowledge of gang-related distribution of firearms and narcotics.
6. As a result of my training and experience, in addition to attending law enforcement conferences, I have gained knowledge in the utility of undercover agents, confidential informants, physical surveillance, electronic surveillance, oral surveillance, consensual recording, investigative interviews, mail covers, garbage searches, GPS tracking devices, pole-mounted cameras, the service of Grand Jury subpoenas, courtroom testimony, and the execution of federal and state search and arrest warrants.
7. In addition to utilizing the aforementioned investigative techniques, I have been required during these investigations to analyze information resulting from traditional record searches, pen registers and trap and trace devices, financial records, utility records, and telephone toll and subscriber records.
8. By virtue of my training and experience, and through consultation with other Special Agents and officers who have conducted firearm and narcotics investigations, I have

become familiar with the methods used by firearms and narcotics traffickers to distribute firearms and narcotics.

9. In preparing this Affidavit, I have reviewed the written reports relating to this investigation and have talked to other agents and officers about their knowledge of the relevant facts. Where statements made by other individuals (including other Special Agents and law enforcement officers) and information contained in reports and other documents or records are referenced in this Affidavit, such statements are described in sum and substance and in relevant part only.
10. On July 13, 2020, ATF Special Agent McDavid reviewed Texas Department of Public Safety report 2020I-THP2-92538, and learned of the arrest of Demarcus Rayshun Walton (04/29/1991).
11. According to the report, on July 2, 2020, Criminal Investigators for the Texas Department of Public Safety were assisting Harris County Sheriff's Office Investigators in the apprehension of a suspect linked to a 2019 home invasion robbery in which two (2) adult males were shot multiple times, and a two year old boy was shot and killed.
12. Investigators located the initial person of interest, Dillard Davis (01/31/1999), in Montgomery County, at 3135 Comanche Circle, Willis, Texas. Davis is known to operate a black Cadillac XTS, with Texas registration 71661Y9.
13. While conducting surveillance on the residence, Investigators observed multiple persons at the residence, as well as a second vehicle linked to Davis, a red Jeep Cherokee, with Texas registration MXJ7865.
14. Investigators observed both vehicles depart the residence with multiple people in each vehicle. Investigators witnessed Davis driving the black Cadillac (71661Y9) and Walton driving the red Jeep (MXJ7865). Investigators maintained surveillance of both vehicles. During the surveillance investigators observed that the right rear brake lamp of the Cadillac was not working. Investigators relayed this information to the marked Texas DPS Troopers, Trooper Bazan and Cline, and directed them to conduct a traffic stop on

the Cadillac for both the defective brake light and due to Davis being identified as having a valid arrest warrant.

15. As Trooper Bazan and Cline initiated a traffic stop on the Cadillac, both Cadillac and Jeep, being driven in tandem, pulled into the Valero Gas Station located at 25 Calvary Rd., Willis, Texas, 77378. A felony traffic stop was conducted on the Cadillac. Davis was taken into custody and the juvenile in the vehicle was detained, both without incident. The Cadillac was searched incident to the arrest and three (3) firearms were located inside the vehicle.
16. During the arrest of Davis, Demarcus Walton and Diamond Williams (12/30/1994) approached the scene with their phones out to record the arrest of Davis and began questioning officers on the validity of the arrest. Investigators immediately recognized Walton as the driver of the Jeep and a suspect in the same 2019 home invasion. Investigators initiated a consensual encounter with Walton. During this encounter Walton self-identified as a gang member of the Bloods criminal street gang and a convicted felon. Investigators determined that Walton had been driving on an expired driver's license and was currently wanted on two (2) misdemeanor warrants through Humble Police Department. Walton was placed under arrest. Walton then provided verbal consent for officers to search his vehicle, the red Jeep. As officers approached the vehicle they could smell the odor of marijuana emitting from the Jeep, near a broken window on the back left corner. Based on the odor of marijuana and verbal consent, officers searched the Jeep.
17. During the search of the Jeep, officers located a backpack behind the driver seat in the passenger compartment of the vehicle. Inside the backpack officers discovered a Romarm, Micro Draco, 7.62 pistol, S/N: PMD00435-14 RO and a Kel-Tec, PLR-16, 5.56 pistol, S/N: POR72, along with magazines and ammunition.
18. It should be noted that on June 26, 2020, WALTON was heard on a recorded jail phone call with a current Harris County Jail inmate bragging about how he traffics guns and

drugs between Killeen and Houston, Texas and during this call he specifically mentions being in possession of Kel-Tec and a Micro Draco.

19. SA McDavid reviewed the Harris County District Clerk's website and confirmed the following federally prohibiting convictions:

- Burglary of a Building – felony - 2015
- Attempt to Assault Family Member - felony – 2016
- Possession of Marijuana – felony – 2016
- Burglary of Building w/ Intent to Commit Theft – felony – 2018

20. SA McDavid contacted an ATF Firearms Nexus Expert SA Alex Johny and learned that the Romarm and Kel-Tec pistols referenced above were manufactured outside of the State of Texas.

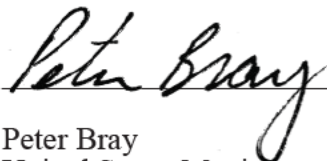
21. Based on the foregoing facts, your Affiant believes there is probable cause to believe that on July 2, 2020, in Willis, Texas, in the Southern Judicial District of Texas, Demarcus Rayshun Walton, a convicted felon, did knowingly possess two firearms, specifically, a Romarm, Micro Draco, 7.62 pistol, S/N: PMD00435-14 RO and a Kel-Tec, PLR-16, 5.56 pistol, S/N: POR72, which was not manufactured in the State of Texas, doing so in violation of 18 U.S.C. Section 922(g)(1).



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Matthew B. McDavid  
Special Agent, ATF

Sworn to before me and subscribed in my presence this 15th day of July 2020, and I find probable cause exists.



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Peter Bray  
United States Magistrate Judge

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

DEMARCUS WALTON

Case No. **4:20mj1254***Defendant*

TRUE COPY I CERTIFY  
 ATTEST: July 15, 2020  
 DAVID J. BRADLEY, Clerk of Court  
 By: Kathy Murphy  
 Deputy Clerk

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
 (name of person to be arrested) Demarcus Walton,  
 who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☒ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

Title 18 U.S.C. Section 922(g)(1) - Felon in possession of a weapon

Date: 07/15/2020City and state: Houston, Texas

Peter Bray  
 Peter Bray  
 United States Magistrate Judge

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
 at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: Demarcus Walton

Known aliases: \_\_\_\_\_

Last known residence: \_\_\_\_\_

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: 04/29/1991

Social Security number: 644-24-2435

Height: 5'11" Weight: 195#

Sex: M Race: B

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (*name, relation, address, phone number*): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: ATF

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (*if applicable*): \_\_\_\_\_